

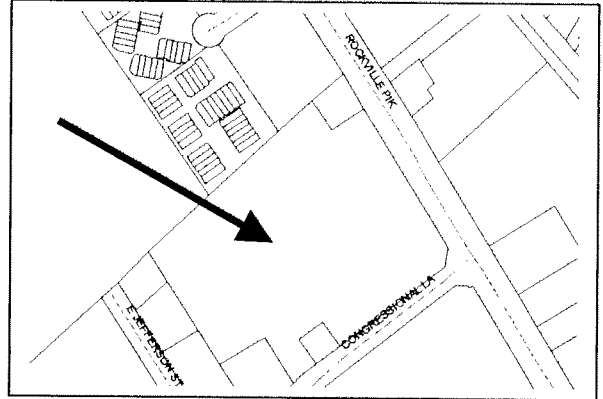
**CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT**

July 10, 2009

**SUBJECT:**

Use Permit Amendment Application  
USA1995-0554D, Congressional North  
Shopping Center

Applicant: Alan Cohen  
Ronald Cohen Investments  
2701 Tower Oaks Boulevard  
Suite 200  
Rockville, Maryland 20852



Date Filed: October 31, 2008

Property Location: 1501 Rockville Pike

**REQUEST:**

The subject application is an amendment to a previously approved Use Permit to allow the demolition of an existing 6,280 square foot restaurant building and 3,200 square foot terrace and replacement with a new 8,110 square foot retail/restaurant building. The focus of the Amendment is the footprint and placement of the building rather than the proposed use.

Pursuant to Section 25.05.07 ("Amendment to Approved Development") the application is being processed as a Major Amendment and is subject to review by the original Approving Authority (Planning Commission). The proposed project does not fall within the provisions allowed for a Minor Amendment, and yet is not deemed so substantial to require a new application.

**MAJOR ISSUES:**

In the course of staff's review of the proposal, the following issues have been identified (these are discussed in greater detail in the body of the report):

- Sidewalk and crosswalk improvements were necessary to improve compliance with the Americans with Disabilities Act and pedestrian accessibility; and
- Stormwater management laws have changed since the shopping center was redeveloped in the mid 1990s. Revisions in the area of the proposed new building will improve functionality of the system.

**PREVIOUS RELATED ACTION:**

- Use Permit USE1995-00554 – For redevelopment of the property under the Optional Method of Development procedures. Included within the application, was the existing retail/restaurant/office building at 121 Congressional Lane and many small parcels that made up the property. Development under the Optional Method of Development procedures was requested because the office building on Congressional Lane and the parking garage exceeded the maximum base height allowable and because the density requested also exceeded the maximum base .35 F.A.R. The application was approved by the Planning Commission on January 24, 1996.
- SCA1995-00072 – Sought abandonment of a thirty-foot wide service drive easement that extended along the entire Rockville Pike frontage, around the corner and approximately two hundred fifty feet along Congressional Lane. Combining the multiple parcels that made up the property into a single record lot with a Final Record Plat eliminated the need to provide access between the multiple parcels. Approved by the Mayor and Council on May 13, 1996.
- Final Record Plat – Proposed to consolidate the multiple parcels that made up the property into a single record lot. Approved by the Planning Commission on January 24, 1996.
- Ownership Plat – Proposed to divide the single record lot into two Ownership lots to accommodate separate leasing and financing of the properties. Approved by the Planning Commission on January 24, 1996.
- Use Permit Amendment USA1995-0554A – Requested approval for minor changes to the proposed building footprints. Approved by Planning staff on March 17, 1997.
- Use Permit Amendment USA1995-0554B – Requested approval for the placement of a trash dumpster enclosure and landscaping, lighting and signage changes near the western entrance to the property from Congressional Lane. Approved by Planning staff on April 7, 1999.
- Use Permit Amendment USA1995-0554C – Requested approval of a storage area in the parking structure under Anchor “A” and the placement of a walk-in freezer and screen wall behind 121 Congressional Lane. Five parking spaces were lost in the parking structure for the placement of the storage area. Approved by Planning staff on August 27, 2007.

**STAFF RECOMMENDATION:**

Subject to the following conditions the project complies with all applicable provisions of the Zoning Ordinance. Therefore Staff recommends Approval of the requested Use Permit Amendment, subject to the following:

1. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of the site plan, revised according to Planning Commission Exhibit A.

2. Submission, for the approval of the Chief of Planning, of fifteen (15) copies of a coordinated detailed landscaping plan, revised according to Planning Commission Exhibit B.
3. A Forestry Permit is required for this project. Conditions for issuance of the Forestry Permit are:
  - a. Submittal and approval of an Amended Forest Conservation Plan (FCP) by the City Forester.
    - i. Review fee, completed application form, including contact information and checklist items, must be submitted with the Amended Forest Conservation Plan.
    - ii. All proposed and existing utilities and easements must be shown on the Amended FCP within the vicinity of the project.
    - iii. The revised landscape plan must be included as part of the Amended FCP submission and will be reviewed by Forestry prior to approval of the Signature Set.
    - iv. All trees removed for this project must be replaced on site.
  - b. An executed Five-year Forest and Tree Conservation Maintenance Agreement will be required for all newly planted trees.
  - c. An approved Bond filed with the City Forester to cover all replacement trees.
  - d. All Department of Public Works plans must be consistent with the Amended FCP and will be reviewed concurrently.
4. Submission, for the approval or processing by the Department of Public Works, of the following:
  - a. Comply with all conditions of the stormwater management concept approval letter dated June 22, 2009.
  - b. Submit detailed engineering plans and computations for review and approval by the Department of Public Works for public improvements (i.e. water and sewer), stormwater management and sediment control.
  - c. Post bonds and obtain permits from the Department of Public Works for public improvements, stormwater management and sediment control.
  - d. The required water service to the new building shall connect to the public main located in MD 355 right-of-way. The water meter must be located at the property line. Any existing water service no longer in use shall be abandoned at the public main.
  - e. Water and sewer house connections must be designed per City of Rockville and WSSC standards and specifications.
5. Pursuant to the requirements of the Zoning Ordinance the applicant shall provide 2 bicycle racks (4 short-term spaces) and 1 bicycle locker (2 long-term spaces). A locked bicycle room with racks or a covered locked cage is required for long-term storage. Short-term spaces are considered to be an inverted "U" bicycle rack and

must be spaced four feet apart. These spaces shall be provided at a safe and secure location that is approved by DPW. The location of the short-term spaces shall be approved by DPW at the detailed engineering stage. Bike lockers and racks must be installed prior to issuance of the occupancy permit.

6. The applicant shall contribute, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site or at locations in the vicinity of the site. This contribution will be incorporated into the Bus Stop Beautification CIP project. In addition, the applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Rockville Pike street frontage. The easement must be recorded prior to issuance of the building permit.
7. That the new buildings meet all applicable handicap-accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal Government, as well as all construction code requirements of the City of Rockville.
8. The Applicant shall comply with the City's Publicly Accessible Art in Private Development ordinance. Applicant must provide a concept plan for approval prior to issuance of building permits and fulfill the art requirement prior to issuance of occupancy permit for each building. The manual for this ordinance can be found on the City's website [www.rockvillemd.gov](http://www.rockvillemd.gov), click on business.
9. The applicant shall sign and return the approval letter prior to the release of any permits.

### **ANALYSIS:**

#### **Property Description:**

The property commonly known as the Congressional North Shopping Center lies on the northwest corner of Rockville Pike and Congressional Lane. There are six buildings on the property – a 119,359 square foot retail building with a 12,084 mezzanine that includes underground parking (below the tenant space currently occupied by the Bed, Bath and Beyond store), a six-story 57,725 square foot office/retail/restaurant building located at 121 Congressional Lane, a four level parking garage, a two-story, 41,500 square foot retail building located on the corner of Rockville Pike and Congressional Lane, a 171 square foot bank kiosk with a drive-thru and the 6,280 square foot freestanding restaurant building with 3,200 square foot terrace that is the subject of this application.

The site is bounded on the north by a gas station, an office building, the Woodmont Overlook townhouses and the Woodmont Country Club. Across Congressional Lane, to the south, is the Congressional Plaza Shopping Center and the Crest apartments. To the east, across Rockville Pike, is the property formerly occupied by the Devlin Lumber

Company that contains retail shops, a freestanding restaurant building and a car dealer. To the west is an electric company utility building, a ballet studio and an office building.

The property contains 554,450 square feet or 12.7284 acres of land and is proposed to contain a total of 238,949 square feet of building improvements.

### **Background**

The property originally came in for redevelopment approval in 1995. At that time, the property contained a relatively small two-story shopping center, a building that was previously associated with the airport (that was mostly located on the Congressional Shopping Center property), the office building at 121 Congressional Lane and the restaurant building that is the subject of this application. The airport building was replaced with the parking garage that is located along Congressional Lane, the two-story retail building was significantly altered and the large "L" shaped building was placed on the property. For an undocumented reason, the aging restaurant building that is the subject of this application was retained. Because the six-story office building and the parking garage exceeded thirty-five feet in height (the by-right maximum building height in the RPC Zone) and because the development proposal exceeded the maximum by-right F.A.R. allowed in the RPC Zone, the proposal was presented for approval under the Optional Method of Development provisions previously contained in the Zoning Ordinance.

Resubdivision of the property was necessary to erase all of the lot lines located within the outer boundaries of the property. As a single lot, setbacks are only required from the outer lot lines and all of the parking would then be provided on the same Record Lot. The Record Lot was subsequently divided into two Ownership Lots to accommodate separate leasing arrangements and financing of the project. Additionally, once the lots were combined into a single Record Lot it was determined that the service drive easement along the front of the property was no longer necessary to provide access between the smaller lots and the adjoining gas station property. Three minor Use Permit Amendments have been processed since the original approval. They allowed for modification of the building footprints, the placement of a trash dumpster enclosure, the conversion of some of the parking spaces within the underground parking structure to be converted to a storage area and the placement of the walk-in freezer and screen wall.

### **Development Proposal:**

The application proposes the demolition of an existing 6,280 square foot restaurant building along with the removal of a 3,200 square foot outdoor dining terrace and their replacement with an 8,110 square foot retail/restaurant building.

Flexible parking standards are applicable for shopping centers of 150,000 square feet or more of gross floor area in that four parking spaces for every one thousand square feet of gross floor area are required. Outdoor dining terraces like the one proposed to be

demolished with this application must also have the parking standard attached to it. The current approvals for this site allow for a larger amount of floor space parked at retail than currently exists on site.

The removal of the existing building and dining terrace results in a net decrease of 1,370 square feet of approved retail space because they total 9,480 square feet of approved space and the new building is proposed at 8,110 square feet. Typically an outdoor dining patio or terrace would not be counted as retail space but, due to the fact that this property was approved as a shopping center with over 150,000 square feet of retail space, all usable space was calculated at the retail rate. Shopping centers with over 150,000 square feet of retail space are required to provide 4 parking spaces for each 1,000 square feet of gross leaseable floor area. Therefore, the proposal requires fewer parking spaces than the current improvements and contains less density. Because the density is already approved, this approval is basically for the building footprint and other support improvements.

**Neighborhood Concerns:**

Notices were sent out regarding the application. Once those persons who responded were informed that the application involved the removal of the old building and terrace and the replacement of them with a 1,830 square foot larger building, they had no comment on the application.

**Adequate Public Facilities:**

There are no issues related to compliance with the Adequate Public Facilities Ordinance because this application results in a net decrease of 1,370 of approved density on the property.

**Conformance with the Zoning Ordinance and Rockville Pike Corridor Plan:**

As stated in the Recommendation, subject to the conditions outlined the proposed project conforms with the provisions of the Zoning Ordinance. The placement of the proposed building meets all standards for height and setback. With the parking requirement actually being less than the current improvements, the proposal meets all requirements of the new Zoning Ordinance.

**Traffic and Transportation:**

Since the net area of restaurant space is less than existing, no additional trips are estimated to be generated by the proposed redevelopment. Only onsite transportation analysis was performed according to the CTR. Placement of a bus shelter is recommended as a condition of approval because all properties that have a bus stop along their frontage must either place a bus shelter at the stop or provide a monetary contribution for the placement of one.

Staff is aware that the Rockville Pike Plan is not adopted, however the concept does anticipate that a frontage / access easement be provided along Rockville Pike. If approved, future development should be designed and sited with that provision in mind.

**Fire Marshal:**

There were no specific issues identified during review of the application. Since this is a freestanding building, fire code provisions will be addressed at the Building Permit stage.

**Natural Resources Inventory and Forest Conservation Plan:**

The subject property has a previously approved Forest Conservation Plan, FTP95-33A. Under this approval, almost half of the forest conservation requirement was met through the payment of fee in lieu. The approved FCP provided 1.76 acres of on site planting and 1.54 acres of fee in lieu to meet the total forest conservation requirement of 3.33 acres. The redevelopment of the site under Use Permit (USE1995-00554) cleared 1.4 acres of forest.

As part of this project review, the applicant was required to bring the entire site into compliance with the approved FCP and Use Permit Landscape Plan. Numerous trees were planted and inspected by the Forestry staff and the project is now landscaped per these approvals. The proposed re-development of the former restaurant building will remove and replace in kind, 3 evergreen trees, 4 ornamental trees and 5 shade trees.

**Publicly Accessible Art in Private Development:**

The project is subject to the requirements of the Publicly Accessible Art in Private Development ordinance.

**Stormwater Management and Sediment Control:**

The proposed redevelopment contains 0.38 acres of disturbed area. Since the disturbed area is less than 50% of the entire site area, on-site SWM is only required for the 0.27 acres of impervious area that is located within the limits of disturbance. In accordance with the City's SWM Ordinance, SWM also is required for 0.02 acres of right-of-way (ROW) along Rockville Pike that is proportional to the disturbed area.

Per the approved SWM Concept, dated June 22, 2009, the application proposes meeting full quality control and partial quantity control requirements on-site. Partial quantity control will be provided on-site by the existing underground SWM facility that was constructed as part of the redevelopment proposal submitted in 1995. The remaining quantity control requirements are met by a monetary contribution. A proposed on-site water quality structure will satisfy requirements for quality control.

**Findings:**

According to Section 25.07.01.a.3 of the Zoning Ordinance, an Amendment to a previously approved Use Permit shall be issued if the Planning Commission finds that the proposed use will not:

1. *Adversely affect the health of safety of persons residing or working in the neighborhood of the proposed development.*

There is no evidence to suggest that the proposed project, as conditioned, will create any adverse impact upon the health and safety of residents or persons working within the neighborhood of the proposed development. The commercial center is a developed use that has been in operation for several years with no evidence of any significant impact upon health and safety. The proposed amendment will result in an actual decrease in the size of the overall development, and therefore is not anticipated to create any negative impacts

2. *Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

As a proposed commercial use within an existing commercial shopping center there is nothing to suggest that this project will be detrimental or injurious to property of improvements within the neighborhood. The proposed project represents a net decrease in the overall size of an existing commercial development that has been in operation for many years. There has been no evidence that the existing use has been detrimental or injurious to the neighborhood therefore it is not anticipated that this project, as conditioned, will create a significant impact.

3. *Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards.*

The proposed project represents a net decrease in the overall size of an existing commercial shopping center, and does not represent any significant burden upon existing or programmed public facilities.

4. *Adversely affect the natural resources or environment of the City or surrounding areas.*

The proposed project represents a net decrease in the overall size of an existing commercial shopping center. The existing shopping center has been in operation for several years with no evidence of any significant impact upon natural resources or the environment of the City or surrounding areas. Given the nature of the proposed use, and the scale of the proposed development, it is not



anticipated that any environmental or natural resource impact will be created as a result.

5. *Be in conflict with the Plan;*

The proposed project is consistent with the Objectives and Policies of the adopted Rockville Pike Corridor Neighborhood Plan, which encourages the continued economic growth, and vitality of the Rockville Pike Corridor; and fosters an adequate supply of convenience retail activities to serve residents, of the corridor and local neighborhoods.

6. *Constitute a violation of any provision of the Zoning Ordinance or other applicable law; or*

The proposed project, as conditioned, complies with all applicable provisions of the Zoning Ordinance as well as applicable provisions for Stormwater Management and sediment control, the Forest and Tree Preservation Ordinance and Publicly Accessible Art in Private Development.

7. *Be incompatible with the surrounding uses or properties.*

The location of the proposed project is within a larger commercial shopping center with a variety of retail, restaurant and office uses located along a major commercial corridor. The proposed restaurant use is consistent and compatible with the range of uses on-site as well as along the Rockville Pike Corridor.

**Attachments:**

Attachment A – Project Application with Correspondence dated 10/31/08 and 10/22/08

Attachment B – Project Site Plan and Landscape Plans

Attachment C – Correspondence dated 6/22/09 regarding Stormwater Management Concept Plan



**City of Rockville**  
**Dept. of Community Planning & Development Services**  
 Planning Division  
 111 Maryland Ave. • Rockville, MD 20850-2364 • 240-314-8200  
 www.rockvillemd.gov

# USE

## APPLICATION FOR USE PERMIT AMENDMENT

**PROJECT IDENTIFICATION:** Congressional North

Application is hereby made with the Planning Commission of Rockville for approval of a USE Permit for the property described below:

PLEASE PRINT CLEARLY OR TYPE	PROPERTY ADDRESS		
	NUMBER, STREET & ZIP <u>1501 Rockville Pike, Rockville, MD 20817</u>		
	SUBDIVISION <u>Montrose</u>	LOT <u>12</u>	BLOCK <u>0</u>
	ZONING <u>RPC/RPR</u>	TAX ACCOUNT NO. <u>04-03158824</u>	PROPERTY SIZE (in square feet) <u>12.73 acres</u>
APPLICANT*	NAME MAILING ADDRESS - NUMBER, STREET, CITY, STATE, ZIP PHONE / FAX / E-MAIL		
	FIRST <u>Alan</u>	Ronald Cohen Investments, 2701 Tower Oaks Blvd.	
	LAST <u>Cohen</u>	Suite 200, Rockville, MD 20852 301-692-1900	
PROPERTY OWNER	FIRST <u>Same as above</u>		
	LAST		
ARCHITECT Registration #	COMPANY <u>GTM Architects</u>		
	LAST <u>Conrath</u>	FIRST <u>Richard</u>	
ENGINEER/ OTHER Registration #	COMPANY <u>Joyce Engineering Corporation</u>		
	LAST <u>Joyce</u>	FIRST <u>Bill</u>	
GENERAL INFORMATION			
TOTAL GROSS FLOOR AREA <u>239,029</u>		RETAIL GFA <u>184,412</u>	MAX. NUMBER OF EMPLOYEES PER SHIFT <u>N/A</u>
OFFICE GFA <u>54,617</u>		SERVICE INDUSTRIAL GFA <u>0</u>	IF RESIDENTIAL, NUMBER OF UNITS <u>N/A</u> MF <u>N/A</u> TH <u>N/A</u> SFD
NUMBER OF PARKING SPACES REQUIRED BY ORDINANCE <u>957</u>		NUMBER OF PARKING SPACES PROVIDED <u>961</u>	WATER AND SEWER DEMAND <u>N/A</u> mgd <u>N/A</u> mgd

\* A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.

Description of what this use permit is for: Remove existing 6280 sf restaurant and associated 3200 sf terrace and replace with 8110 of retail/restaurant in same location. See attached letter.

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this permit.

**TO BE COMPLETED BY THE PLANNING DIVISION**

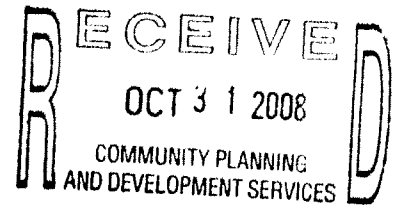
Application #: USA1995-0554D  
 Staff Reviewer: \_\_\_\_\_  
 Target Planning Commission  
 Review Date: \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Received by: TWT  
 Date: 10/31/08  
 Total fee: \$ 500

See reverse side

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW



October 31, 2008

**Barbara A. Sears**  
301.961.5157  
[bsears@linowes-law.com](mailto:bsears@linowes-law.com)  
**Erin E. Girard**  
301.961.5153  
[egirard@linowes-law.com](mailto:egirard@linowes-law.com)

Mr. James Wasilak  
Chief of Planning  
City of Rockville  
111 Maryland Avenue  
Rockville, MD 20850

Re: Congressional North; Application to Amend Use Permit USE95-0554 (the  
"Application")

Dear Mr. Wasilak:

On behalf of our client, Ronald Cohen Investments (the "Applicant"), and pursuant to Section 25-193(c)(2) of the Rockville Zoning Ordinance ("Zoning Ordinance") the purpose of this letter is to request an amendment to Use Permit USE95-0554 (the "Use Permit"), which governs the Applicant's property at 1501 Rockville Pike, Rockville, Maryland, better known as "Congressional North" (the "Property"). As discussed with you at our meeting on September 17th, the purpose of the amendment is to allow for the removal of the existing 6280 square foot Hooters restaurant and associated 3200 square foot terrace and their replacement with a new approximately 8110 square foot retail/ restaurant building in the same location (the "Modification"). As discussed below, this Modification will cause limited disruption to the remainder of the Property, will decrease overall square footage and will not substantially deviate from the Use Permit. We therefore request that the Application be handled as an administrative amendment of the Use Permit pursuant to Section 25-193(c)(2) of the Zoning Ordinance.

As noted at our meeting, the proposed structure will cover the footprint of the existing restaurant and terrace and will reduce the square footage in the Use Permit by 1370 square feet. This reduction in area will reduce traffic impact and parking demand, and serves to significantly limit the impacted area. Displaced trees and landscaping will be slightly reconfigured, but replaced in total in the vicinity of the new structure. The new building will be architecturally compatible with the remainder of the Congressional North Shopping Center, as shown on the elevations included herewith, will consist of the same materials as the

Mr. James Wasilak  
October 31, 2008  
Page 2

remainder of the center, and will be approximately the same height as the existing Circuit City on the Property.

Pursuant to Section 25-193 of the Zoning Ordinance, a Use Permit shall be issued if the Planning Commission or the Director of Planning, as the case may be, finds that the proposed use will not (1) affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use, (2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood, (3) overburden existing and programmed public facilities, and (4) constitute a violation of any provision of this Code or other applicable law. As stated above, the Modification will have only a minor effect on a limited portion of the Property, will make the improvements on the Property more architecturally compatible and will not generate any additional traffic on area roads or have any negative impact on other public facilities. Therefore, the Modification will not have any adverse effect on the health or safety of persons residing or working in the neighborhood, nor will it be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The Application is consistent with the City of Rockville Comprehensive Master Plan, approved and adopted on November 12, 2002, and the Rockville Pike Corridor Neighborhood Plan, approved and adopted in April 1989, which recommend the continuation of the retail nature of the Property, and will not violate any provision of the Zoning Ordinance, City of Rockville Code, or any other applicable law.

In support of this Application, the following materials have been submitted:

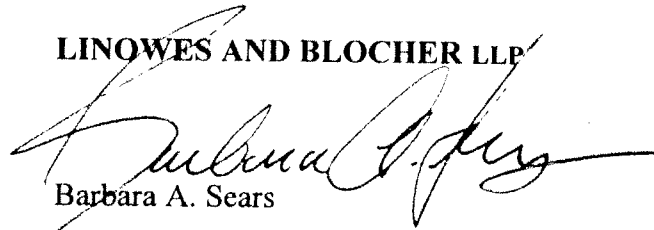
1. Application form and filing fee
2. Eleven full-size copies and one 8½ x 11 copy of a Detailed Use Permit Site Plan
3. Six full-size copies and one 8½ x 11 copy of the Landscape Plan/Forest Conservation Plan
4. Three copies of preliminary building elevations and floor plans
5. One copy of the Storm Water Management Concept Letter
6. One copy of the Natural Resources Inventory/Forest Stand Delineation Plan

Thank you for your consideration of this Application. If you have any questions or concerns, or require any additional information, please feel free to contact us.

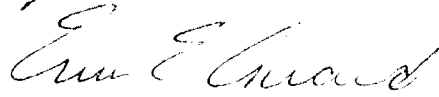
Mr. James Wasilak  
October 31, 2008  
Page 3

Very truly yours,

**LINOWES AND BLOCHER LLP**

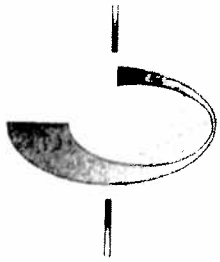


Barbara A. Sears



Erin E. Girard

cc: Margaret Hall  
Ronald Cohen  
Alan Cohen  
Eric Siegel  
William Joyce



# JOYCE ENGINEERING CORPORATION

CIVIL ENGINEERING LAND SURVEYING LAND PLANNING CONSTRUCTION MANAGEMENT

October 22, 2008

**Linowes and Blocher LLP**  
**7200 Wisconsin Avenue Suite 800**  
**Bethesda, MD 20814**

Attention: Ms. Erin G. Girard, Esq.

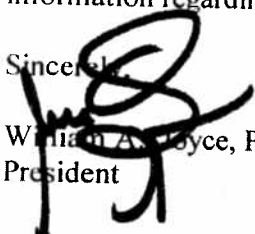
Re: Congressional North Shopping Center  
Our File #95001

Dear Erin,

In accordance with your request, please note the impervious area associated with the project are has been reduced by approximately 2,200 square feet of patio and sidewalk or over 20% of the "site area". In so much as this site is considered by the State of Maryland as a "re-development" site with a net decrease of over 20% of impervious area, no additional storm water management water quality or quantity controls are required.

I trust that the above information is acceptable, however, if you should have any questions, or desire further information regarding the above, please feel free to contact our office at your earliest convenience.

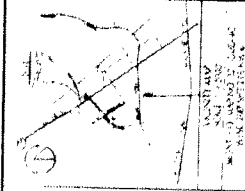
Sincerely,

  
William A. Joyce, P.E., Professional Land Surveyor  
President

enc.

cc: File





ROCKVILLE PIKE  
VARIABLE RIGHT OF WAY  
ROUTE 355

NOTE: LANDSCAPE SCHEDULE SEE SHEET SP-3  
NOTE: ALL PLANTINGS SHOWN ARE UNLESS OTHERWISE SPECIFIED  
NOTE: FOR REVISIONS AND PLANTING DETAILS SEE SHEET SP-3  
NOTE: FOR LANDSCAPE SCHEDULES SEE SHEET SP-3  
INVESTIGATOR: [Signature]  
DATE: [Date]  
PROJECT: [Project Name]

LANDSCAPE PLAN  
PROPOSED LOT 12, BLOCK O, MONTICLOE  
CONGRESSIONAL NORTH  
MONTICLOE ELECTION DISTRICT NUMBER 4  
MONTGOMERY COUNTY, MARYLAND

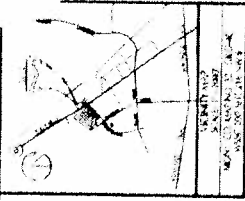
SP-2

DATE: [Date]  
BY: [Signature]

CONGRESSIONAL LANE  
76' RIGHT OF WAY







DATE	10/1/00
BY	W. J. B. / J. A. B.
FOR	W. J. B. / J. A. B.

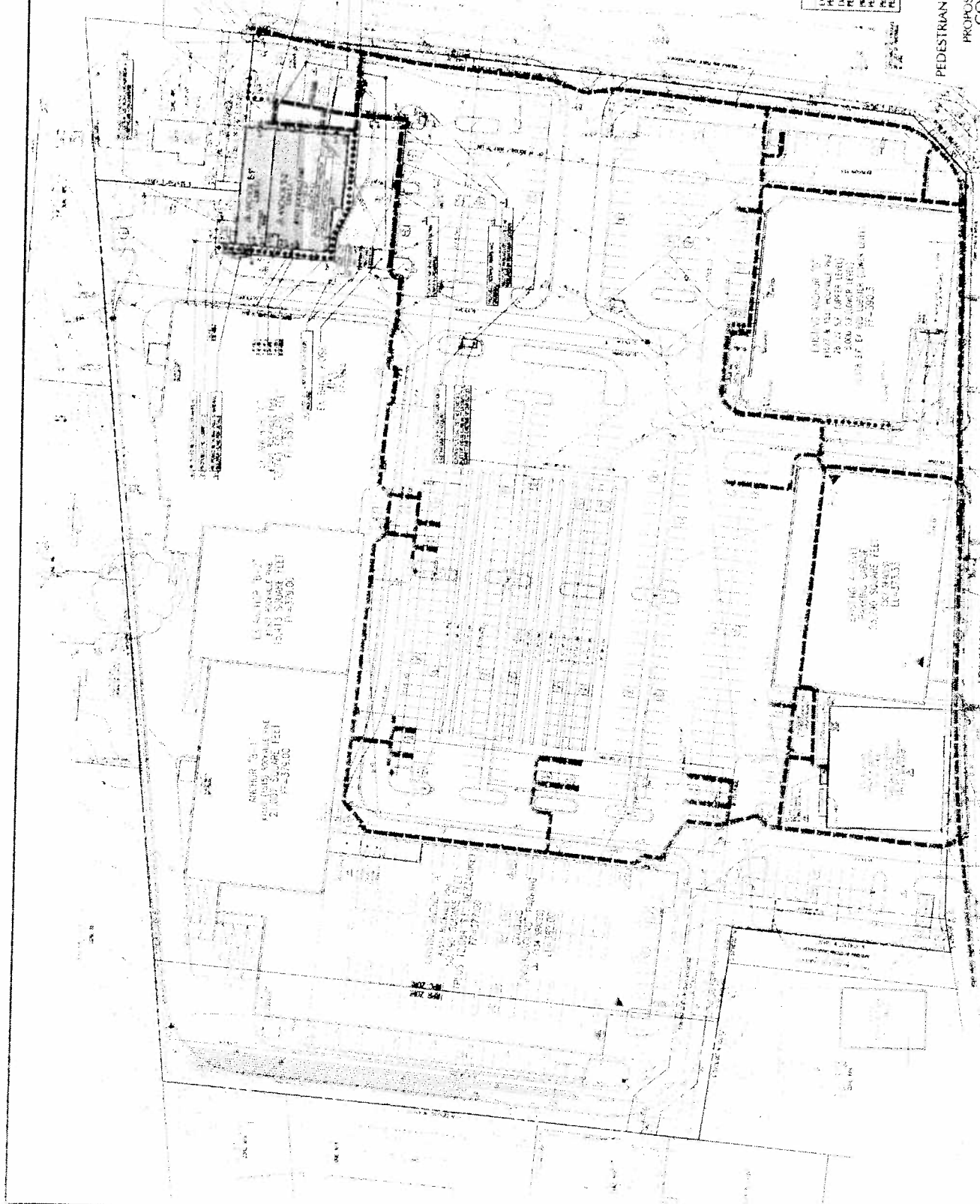


ROCKVILLE PIKE  
VARIED RIGHT OF WAY  
MARKED RIGHT OF WAY

PEDESTRIAN CIRCULATION (LEGEND)	
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION
---	PEDESTRIAN CIRCULATION

PEDESTRIAN CIRCULATION IMPROVEMENT PLAN  
FOR ANCHOR E  
PROPOSED LOT 12, BLOCK O, MONTROSE  
CONGRESSIONAL NORTH  
ANCHORAGE, ALASKA  
ANCHORAGE CITY, ALASKA

ADA-1



CONGRESSIONAL LANE  
70' RIGHT OF WAY

CONCRETE WATER & SEWER MAINS

The purpose of this report is to provide a detailed description of the proposed concrete water and sewer mains for the proposed development. The report includes a description of the proposed mains, the proposed manholes, and the proposed connections to the existing mains. The report also includes a description of the proposed construction methods and the proposed construction schedule. The report is intended to provide the necessary information for the design and construction of the proposed mains.

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.

CONCRETE WATER & SEWER MAINS

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED USING HIGH-STRENGTH CONCRETE AND ARE TO BE INSTALLED IN A TRENCH.

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED USING PRECAST CONCRETE BLOCKS AND ARE TO BE INSTALLED IN A TRENCH.

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED USING FLEXIBLE PIPE AND ARE TO BE INSTALLED IN A TRENCH.

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED USING HIGH-STRENGTH CONCRETE AND ARE TO BE INSTALLED IN A TRENCH.

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.

Table with 2 columns: Item, Quantity. The table lists various items and their quantities for the proposed concrete water and sewer mains.

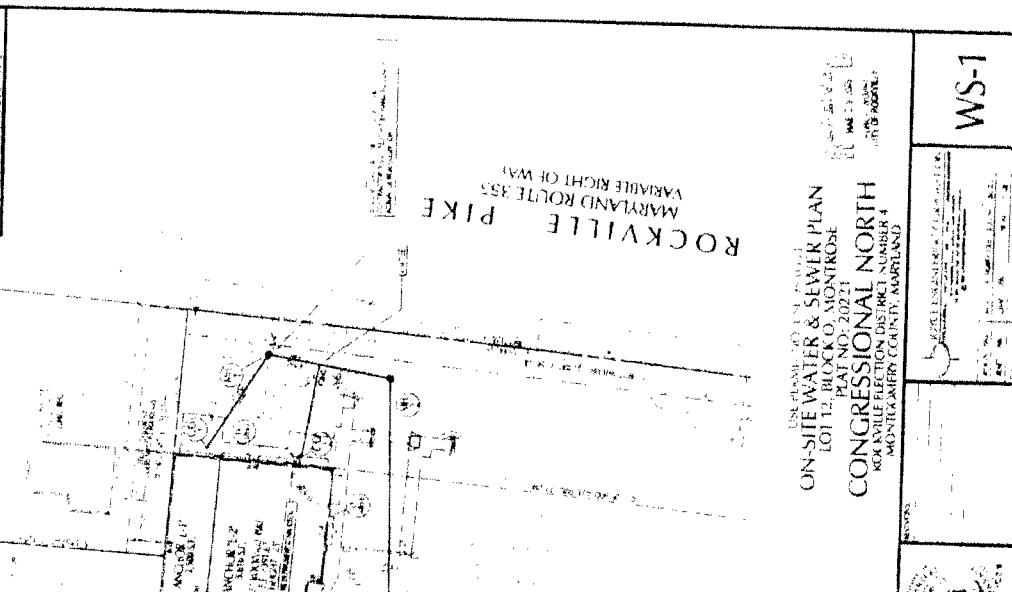
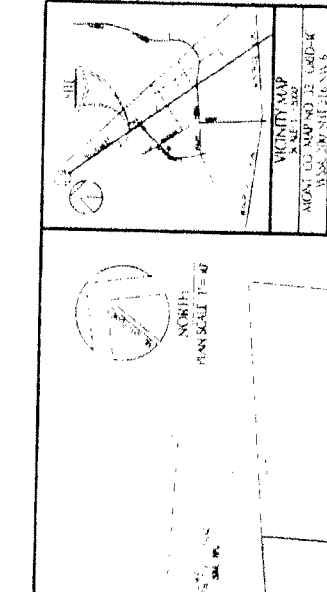
CONCRETE WATER & SEWER MAINS

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.

The proposed concrete water and sewer mains are to be constructed in accordance with the standards and specifications of the American Concrete Institute (ACI) and the American Society of Civil Engineers (ASCE). The proposed mains are to be constructed using high-strength concrete and are to be installed in a trench. The proposed manholes are to be constructed using precast concrete blocks and are to be installed in a trench. The proposed connections to the existing mains are to be made using flexible pipe and are to be installed in a trench.



ON-SITE WATER & SEWER PLAN  
LOT 12, BLOCK 10, MONROSE  
CONGRESSIONAL NORTH  
MONTGOMERY COUNTY, MARYLAND  
PLAT NO. 2007-1  
DATE: 10/1/07  
BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

UNIVERSITY OF MARYLAND  
SCHOOL OF CIVIL AND ENVIRONMENTAL ENGINEERING  
1000 UNIVERSITY DRIVE  
COLLEGE PARK, MD 20742  
TEL: 410/326-7100  
FAX: 410/326-7101  
WWW.CEE.UMD.EDU

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).

THE PROPOSED CONCRETE WATER & SEWER MAINS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE).



City of Rockville  
111 Maryland Avenue  
Rockville, Maryland  
20850-2384  
www.rockvillemd.gov

Public Works  
240-314-8500  
TTY 240-314-8137  
FAX 240-314-8539

Public Works Operations  
240-314-8570  
FAX 240-314-8589

Environmental Management  
240-314-8870  
FAX 240-314-8885

Fleet Services Division  
240-314-8485  
FAX 240-314-8499

Water Treatment Plant  
240-314-8555  
FAX 240-314-8564

MAYOR  
Susan R. Hoffmann

COUNCIL  
John B. Britton  
Piotr Gajewski  
Phyllis Marcuccio  
Anne M. Robbins

CITY MANAGER  
Scott Ullery

CITY CLERK  
Claire F. Funkhouser

CITY ATTORNEY  
Debra Yerg Daniel

June 22, 2009

Mr. Matt Joyce, P.E., L.S.  
Joyce Engineering Corporation  
10766 Baltimore Avenue  
Beltsville, Maryland 20705

Re: Congressional North, 14171 Rockville Pike (Old Hooters' Building)  
Stormwater Management Concept Plan  
SMP2009-00010, USA1995-0554D

Dear Mr. Joyce:

The Stormwater Management (SWM) Concept Plan received on June 9, 2009 for the above referenced site, which is in the Cabin John watershed, is conditionally approved. The proposed redevelopment consists of replacement of the former Hooters restaurant along with modifications to adjacent walkways.

Based on your application, the proposed redevelopment contains 0.38 acres of disturbed area. Since the disturbed area is less than 50 percent of the entire site area, on-site SWM is only required for the 0.27 acres of impervious area that is located within the limits of disturbance. In accordance with the City's SWM Ordinance, SWM also is required for 0.02 acres of right-of-way (ROW) along Rockville Pike that is proportional to the disturbed area.

As noted in your application, runoff from the redevelopment portion of the overall site drains to an existing underground SWM facility located on the 12.6 acre commercial site. The facility was designed to provide quantity control by controlling the 10-year post-developed peak discharge to a release rate at or below the 2-year pre-developed peak discharge rate for the 11.8 acre area that is tributary to the SWM facility.

The submitted SWM concept proposes the following:

1. **Overbank Flood Protection (Op<sub>10</sub>)**  
Overbank Flood Protection Management for the site is provided by the existing underground SWM facility.
2. **Channel Protection Volume (Cp<sub>v</sub>)**  
Channel Protection Volume for the site will be provided by a SWM alternative, monetary contribution, in lieu of on-site management.
3. **Pretreatment**  
Pretreatment of runoff prior to water quality treatment was not provided for in the submitted concept. However, it is required. The City will approve the use of a Stormceptor or similar structure as a means of pretreatment for the 0.70 acres that drains to the proposed Stormfilter.
4. **Water Quality Volume (WQ<sub>v</sub>)**  
Water quality will be provided by a proposed Stormfilter unit. With the addition of a proposed slotted trench drain, the drainage area receiving quality treatment is 0.70 acres. This tributary area is greater than the required 0.27 acres of onsite impervious area. Utilizing the flow based method for sizing, twenty – 27-inch Stormfilter cartridges are proposed to meet the WQ<sub>v</sub> requirement.

5. **Recharge Volume ( $Re_v$ )**

Recharge Volume ( $Re_v$ ) was not provided for in the submitted concept. However, due to the site's significant impervious coverage, the likelihood of urban compacted soils, and the additional  $WQ_v$  that is provided on site, the City will not require  $Re_v$  for this redevelopment.

6. **Rockville Pike Right-of-Way**

In accordance with the City of Rockville's SWM Ordinance, redevelopment sites that involve less than 50 percent of the total site area shall provide SWM for a length of contiguous ROW that is proportional to the disturbed area. The existing underground SWM facility provides 10-year control of the ROW area along Rockville Pike. Channel protection volume will be provided by a SWM alternative, monetary contribution. The proposed on-site Stormfilter unit will provide water quality for an equivalent area because it provides treatment for 0.70 acres, which is more than the required amount of on-site area.

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

1. Applicant shall contribute to the City Stormwater fund as a SWM alternative to providing Channel Protection for the 0.27 impervious acres on-site and the 0.02 impervious acres located within 30' of the contiguous ROW of Rockville Pike. The City will accept a monetary contribution due to the City's assessment of the constructability of modifications to the existing control structure despite the fact that the requested investigation of possible modifications to the underground SWM facility was not provided by the applicant. In addition, please note that the City is not accepting a monetary contribution on the basis that " $Cp_v$  is not required by MDE at sites where the one-year post development discharge is less than or equal to 2.0 cfs." The City SWM Ordinance does not grant an exemption to the  $Cp_v$  requirement on the basis of the one-year post development discharge being less than or equal to 2.0 cfs. This monetary contribution has been computed to be approximately \$5,800 based on 0.29 acres of total impervious area at a rate of \$20,000 per impervious acre. The actual contribution shall be determined at the time of detailed engineering and must be based upon the final improvement plan and the fees in place at the time of permit issuance. Payment of the monetary contribution is required prior to Department of Public Works (DPW) permit issuance.
2. Submit detailed storm drain and SWM plans and computations for approval by DPW. Submit for review and approval the construction estimates associated with the SWM plans.
3. Provide an exhibit showing the impervious areas being treated (quantity and quality), as well as the areas covered by a SWM alternative, i.e. monetary contribution for Channel Protection. Show the proposed SWM structures on this exhibit.
4. Submit a Rockville SWM permit application, permit fees and SWM Database Sheet associated with the SWM plans.
5. Post financial security based on the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.
6. Submit a SWM Easement/Maintenance Agreement signed by the property owners for review and approval by DPW and the City Attorney's Office. Approved SWM Easement Agreement for maintenance must be recorded in the Montgomery County Land Records prior to DPW permit issuance.

Mr. Joyce  
June 22, 2009  
Page 3

7. Submit a Forest Conservation Plan (FCP) to the Assistant City Forester for review and approval. The FCP must be approved prior to DPW issuing SWM and sediment control permits.

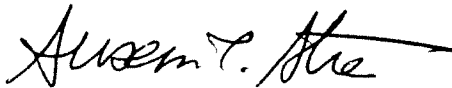
COMAR 26.17.02.03 requires each county and municipality to adopt, by May 4, 2010, a revised ordinance that complies with the recently enacted revisions to the Maryland Department of the Environment (MDE), 2000 Maryland Stormwater Design Manual Volumes I and II. As mandated, the revisions must be applied to all new development and redevelopment projects that do not have final approval for erosion and sediment control and SWM plans by May 4, 2010. Therefore, the applicant is strongly urged to consider this State mandated deadline and potential impacts and implications to the project timing, detailed engineering plan approvals and costs.

This SWM Concept approval will be considered void on May 4, 2010 unless the detailed engineering plans are approved by that date. In addition, this concept approval does not guarantee that an approval of an Erosion and Sediment Control Plan or a SWM Plan will be issued by DPW before May 4, 2010.

Any significant modification, revisions or alterations to the approved types, methods, locations and sizes of SWM measures approved with this SWM Concept may result in the requirement to submit a revised SWM Concept for approval by DPW.

If you have any questions, please contact Daniel Kane, Civil Engineer I, of my staff at 240-314-8523.

Sincerely,



Susan T. Straus, P.E.  
Chief Engineer/Environment

STS/DK/mbw

cc: Alan Cohen, Ronald Cohen Management Company  
Jim Wasilak, Chief of Planning  
Margaret Hall, Planner II  
Elise Cary, Assistant City Forester  
Mark Wessel, Civil Engineer III  
Daniel Kane, Civil Engineer I  
Permit Plan  
Day File



City of Rockville

## MEMORANDUM

July 8, 2009

TO: Margaret Hall, Planner II

FROM: Rebecca Torma, Transportation Planner II *RT*  
Nazar Saleh, Civil Engineer II *NS*

VIA: Emad Elshafei, Chief of Traffic and Transportation  
Mark Wessel, Civil Engineer III *MW*

SUBJECT: Transportation Staff Report, USA1995-0554D  
Congressional North Shopping Center, 1471 - 1527 Rockville Pike

This memorandum presents the Traffic and Transportation Division's recommendation on the subject Use Amendment, USA1995-0554D. These recommendations incorporate and address comments and concerns expressed by the City staff and the applicant as part of the review process.

### PROPOSED DEVELOPMENT:

The 12.7-acre site is located on the northwest corner of Rockville Pike (MD355) and Congressional Lane intersection. The site is currently developed with shopping centers, office building, restaurants, drive-thru bank, and structured parking garage as well as surface parking. This Use Permit Amendment (USA1995-0554D) proposes to raze the 9,840 square foot Hooter's Restaurant and construct a new 8,108 square foot building that will allow for two anchor tenants and out-door dinning area. The proposed new building results in a net area less than existing square footage. There are no proposed changes to the existing three main vehicular access points into the site which are comprised of: a right-in / right-out on Rockville Pike, and two full movement access points to the surface parking areas from Congressional Lane. Two driveways serve the structured garage on the southern frontage on Congressional Lane: one from the internal surface parking area and one from Congressional Lane.

### SITE ANALYSIS:

The site is located within the Twinbrook Metro Station transit-oriented area. The subject site is located on the northwest corner of Rockville Pike (MD355) and Congressional Lane intersection.

**CONDITIONS OF APPROVAL:**

Based on our review, which took into account the needs of motorists, bicyclists, pedestrians, and transit users; Traffic and Transportation staff recommends approval of the subject use amendment, USA1980-0168B with the following conditions:

1. The applicant shall provide 2 bicycle racks (4 short-term spaces) and 1 bicycle locker (2 long-term spaces). A locked bicycle room with racks or a covered locked cage is required for long-term storage. Short-term spaces are considered to be an inverted "U" bicycle rack and must be spaced four feet apart. These spaces shall be provided at a safe and secure location that is approved by DPW. The location of the short-term spaces shall be approved by DPW at the detailed engineering stage. Bike lockers and racks must be installed prior to issuance of the occupancy permit.
2. The applicant shall contribute, prior to the issuance of any building permit, a monetary contribution of \$6,500 for the implementation of one bus shelter to be located nearby to the subject site or at locations in the vicinity of the site. This contribution will be incorporated into the Bus Stop Beautification CIP project. In addition, the applicant will also provide a Public Improvement Easement for the bus shelter and concrete pad along the applicant's Rockville Pike street frontage. The easement must be recorded prior to issuance of the building permit.